

UNITED STATES DISTRICT COURT

District of Delaware

UNITED STATES OF AMERICA

V.

Terrence Ross

Defendant

ORDER OF DETENTION PENDING TRIAL

Case

CR08-05-SLR

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I—Findings of Fact

(1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a federal offense state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed that is a crime of violence as defined in 18 U.S.C. § 3156(a)(4).
 an offense for which the maximum sentence is life imprisonment or death.
 an offense for which a maximum term of imprisonment of ten years or more is prescribed in _____.*
 a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses.

(2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
 (3) A period of not more than five years has elapsed since the date of conviction release of the defendant from imprisonment for the offense described in finding (1).
 (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

X (1) There is probable cause to believe that the defendant has committed an offense
 for which a maximum term of imprisonment of ten years or more is prescribed in 21 USC § 841
 under 18 U.S.C. § 924(c).
 (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings (B)

(1) There is a serious risk that the defendant will not appear.
(2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II—Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence a preponderance of the evidence: Defendant did not oppose the government's motion for detention at this time, but reserved the right to do so in the future which was granted. In addition, the bases for detention are as follows:

1. The charges against defendant either involve serious drug offenses or a weapons offense infurthrance of a drug trafficking crime to which the rebuttable presumption applies. Defendant has not rebutted that presumption.
2. Although defendant has had a stable residence, he has been unemployed for quite awhile.
3. Defendant has been known by at least three aliases.
4. Defendant's criminal history is significant including conviction for distribution of crack (federal) in 1991, for which he violated supervised release. Further, defendant was not employed at the beginning of his release nor at the end in 1996. Defendant was convicted of possession of a narcotic substance in 1993 and found in VOP of state probation.. Between 2004 and 2006, defendant was convicted twice for DUI. DELJIS indicates that defendant has failed to appear for scheduled court dates at least four times. He was also convicted of assault.
5. Defendant has a significant substance abuse history. At the time of his arrest, defendant has crack, and powdered cocaine, MJ and a shot gun in his residence where children also reside.

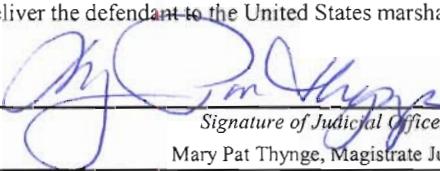


Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

February 6, 2008

Date


Signature of Judicial Officer

Mary Pat Thyng, Magistrate Judge

Name and Title of Judicial Officer

*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

DO NOT FILE